

# HORTECH, INC.

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#9

Sept. 25, 2003

Mr. Kent L. Bell  
Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria VA 22313-1450

Dear Mr. Bell,

Here is a copy of the returned mail receipt from my original response (with amendment) to your letter of 1/23/2003.

As you requested during our phone conversation today, I am sending you a copy of the amendment that I mailed on March. 26, 2003 (for Sedum serial # 09514930).

Thank you,

Dave MacKenzie



*Premium  
Plants*

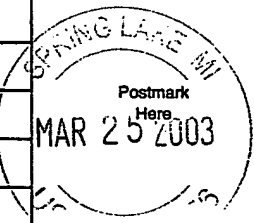
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# **HORTECH, Inc.**

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Mar. 26, 2003

Mr. Kent L. Bell  
United States Patent and Trademark Office  
Commissioner of Patents and Trademarks  
Washington D.C. 20231

Dear Mr. Bell,

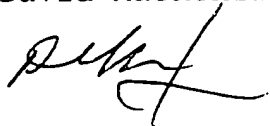
Enclosed is an amended patent for Sedum purpureum 'Pink Chablis' as per your request confirmation number 9263, dated 1/23/2003.

I appreciate the detail contained in your amendment request. This has offered me clear direction for the writing of this amendment and has made this process more efficient.

If I may be of further assistance or if you have further questions, please call or write me at the above phone number or address.

Sincerely,

David MacKenzie



Title of invention: Sedum purpureum plant named 'Pink Chablis'.

Discovered by Christopher Howe, United States citizen, residing at 13595 State Rd., Nunica, Michigan.

Cross reference: This application does not cross reference with other related applications.

Federally sponsored research: This application does not relate to any federally sponsored research.

Latin name of the genus and species of the plant claimed: 'Pink Chablis' is claimed to be a cultivar of the genus Sedum and species S. purpureum.

Variety denomination: This plant does not represent botanical varietal status. Rather, it was selected in cultivation and therefore is a cultivated variety of the species Sedum purpureum.

Background of invention: 'Pink Chablis' originated in Nunica, Michigan as a naturally occurring branch sport (mutation) of the unpatented cultivar Sedum purpureum 'Brilliant'. The parent plant of S. purpureum 'Brilliant' was growing in a nursery setting (Hortech) in a 1 gallon size container. Christopher Howe noticed the branch sport mutation (containing variegated leaves and later named 'Pink Chablis') during the course of his duties as an employee of Hortech.

The cultivar 'Brilliant' typically displays blue-green leaves, green flower buds, and deep purplish pink flower petals on rounded inflorescences. 'Pink Chablis' differs in having its blue green leaves edged in creamy white. Furthermore, its flower buds are white, and its flower petals are light pink. It is similar to the parent cultivar only in habit (shape) of the plant.

The first successful asexual reproduction of 'Pink Chablis' was carried out by its discoverer, Christopher Howe. This propagation took place under controlled conditions in Nunica, Michigan, on June 15, 1995. The mutated branch was excised and consisted of four sets of leaves and a stem. It was cut (with a knife) and prepared into two cuttings each containing two sets of leaves. These were treated with 3000 ppm IBA, and rooted under intermittent mist over a period of two weeks. Two cuttings rooted and were transplanted to separate one-gallon size pots for further growing.

Summary of invention: Once the plants rooted in to the one-gallon pots and matured, a process that typically takes one full growing season, they were planted out in the landscape where they displayed blue green leaves that were edged in creamy white. In August white flower buds were formed in broad flat-topped panicles. By September, the flower buds had opened to reveal petals of clear pink. The overall habit of the plants was similar to the parent cultivar. Mature plants reach ap-

proximately 1 1/2 feet tall (measured from soil to top of foliage plane) and approximately 20 inches tall when in flower (measured from soil to top of plane of the inflorescences). Mature plants display a width of approximately 2 feet across.

On February 28, 1996 international registration as an herbaceous plant cultivar was applied for. The international registrar at the International Plant Union in Freising Germany approved the application for registration on March, 22 1996.

Description of the various views of the drawings: The accompanying photographic illustrations show typical foliage of the cultivar and the closest known comparison plant (the unpatented cultivar Sedum 'Frosty Morn') with color being as accurate as possible with renditions of this type. The photographs were taken at 1:00 P.M. July 1st, 1999 (foliage depictions) and September 1st (floral depictions) 1999 under cloudy conditions, in Nunica, Michigan. The film used was Fujifilm ISO 200 exposed for 1/30 second at F8 using no filters.

Figure 1 depicts a top perspective view of 'Pink Chablis'.

Figure 2 depicts flowers and foliage of 'Pink Chablis'

Figure 3 depicts plants of the comparison cultivar 'Frosty Morn'

Figure 4 depicts a side perspective view of the comparison cultivar 'Frosty Morn'.

Detailed botanical description: 'Pink Chablis' has not been observed under all possible environmental conditions, and the phenotype may vary significantly with variations in environment, such as temperature, light intensity and day length. The following observations, measurements, and comparisons describe this plant as grown in Nunica, Michigan when grown outdoors without cover in conditions that approximate those generally used in commercial practice.

The following traits have been repeatedly observed and are determined to be the basic characteristics of 'Pink Chablis', which in combination distinguish this showy sedum as a new and distinct cultivar. The plants described were 3 years old and grown in the ground in full sun conditions in Nunica, Michigan. The color codes correspond to The Royal Horticultural Society Color Chart. The following description is based upon a four year old plant that is mature in every respect.

1. Succulent deciduous foliage is simple, oppositely arranged and sometimes whorled. In youth, the foliage is obovate in outline, 1 inch long, 1/2 inch wide, irregularly toothed above the middle, hairless, tacky to the touch, and colored light-green 129-C. Immature leaves bear the same colors on their upper and lower surfaces. Leaf margins are colored green white 157-A above and below, 1/16 inch to 3/16 inch wide. Leaves sessile. Juvenile leaf apexes obtuse, bases broadly cuneate.

2. In maturity, the foliage is obovate in outline, hairless, 3 - 3 1/2 inches long, 1 1/2 - 2 inches wide. Mature leaves bear the same colors on their upper and lower surfaces. Leaf blades are colored green 129-A with slender irregular areas of lighter green 129-C. Irregularly toothed leaf margins are 1/8 inch to 3/8 inch wide, colored green white 157-A. Leaves sessile. Apices obtuse, bases broadly cuneate.
3. The midvein is light green 130-C and is only slightly raised above the blade. It gives rise to smaller and equally visible secondary veins of the same color.
4. Stems are herbaceous and arise vertically from a clump. Typically they are erectly oriented, sometimes arching. Stems reach 14 to 18 inches in length, and mature to 1/2 inch wide. The stems are round in cross section. In youth and in maturity they are colored green 128-D.
5. Internodes range in length from 1 to 1 1/2 inches.
6. Bisexual flower buds are borne during August. Flower buds are ovate with sharp terminal point, 3/16 in. long, 1/8 in. wide, and colored white 155-D. During September, they open to reveal pink, 64-C, petals (same color top and bottom). Petals are 1/16 inch wide and 1/6 inch long and ovate shaped. Their apexes are acute, bases connate, and margins smooth. Individual flowers last approximately one month, are 5-parted, and reach 1/4 inch wide.
7. Flowers are densely set and arranged in compound cymes which reach 5 to 6 1/2 inches wide in maturity. Each inflorescence is held at a height of approximately 20 inches above the ground. Each carries



500-750 flowers. Flowers exude a mild sweet fragrance. Flowers are with five red-purple 74-A pistils  $\frac{1}{4}$  to  $\frac{3}{8}$  inch in length, five red-purple 74-A stamens  $\frac{1}{4}$  to  $\frac{3}{8}$  inch in length, and 5 white 155-D sepals (same color top and bottom). Sepals are  $\frac{1}{32}$  inch wide and  $\frac{1}{16}$  inch long and ovate or lanceolate. Their apexes are acute and bases connate, and margins smooth.

8. Peduncles range from  $\frac{3}{4}$  to  $1 \frac{1}{4}$  in. long,  $\frac{1}{8}$  in. wide, green 192-B. Pedicels range from approximately  $\frac{3}{8}$  to  $\frac{7}{18}$  in. long,  $\frac{1}{16}$  in. wide, colored green 192-B.
9. Carpels erect and pale pink 49-D, stigmas  $\frac{1}{16}$  inch wide red purple 67-B, styles  $\frac{1}{32}$  in. wide and  $\frac{1}{8}$  in. tall colored red-purple 62-D, and ovaries  $\frac{1}{10}$  in. diameter colored 62-D. Red-purple 72-B pollen is sparsely produced.
10. Aggregate rounded fruit, pale pink 49-D, is formed below and following each flower. It reaches  $\frac{1}{16}$  inch to  $\frac{2}{16}$  inch in length,  $\frac{1}{32}$  to  $\frac{2}{32}$  inch wide at the base rising to a pointed tip.
11. Mature plants typically display broad, compact, mounded habit. Maximum observed height is 18 inches (prior to blooming) and maximum observed width is 24 inches.

Other cultivars of Sedum purpureum include 'Frosty Morn', which is not patented and differs in having more slender curled leaves orientated at 45 degree angles from the stems. The branches of 'Frosty Morn' exceed 24 inches. The flowers of 'Frosty Morn' are less dense and uniform. The

panicles are 3 to 4 inches wide with 10-20 forked branches. Propagation is successfully achieved spring through summer by stem cuttings. Plants are successfully propagated by crown division year-round. Plants produced by these methods remain true to type. No resistance or unusual susceptibility to common diseases and pests of this host have, to date, been observed or verified. Winter hardiness is reliable in USDA Zone 4B through 7B.

Single Claim Regarding Sedum purpureum 'Pink Chablis'

I claim:

1. A new and distinct showy Sedum purpureum plant named 'Pink Chablis', as illustrated and described.

**Abstract of the Disclosure:** A showy sedum cultivated variety (cultivar) named 'Pink Chablis', characterized by white and blue-green variegated leaves, compact habit, and pink fallborne flowers.